

REMARKS

This is in response to the Notice of Non-Compliant Amendment under 37 CFR 1.121 dated November 4, 2009, which responded to the Applicant's bona fide attempt to reply to an Office Action dated August 17, 2009. This amendment with the following remarks is a substitute and a replacement for the Applicant's Response and Amendment filed on September 16, 2009.

Applicants have studied the Office Action dated August 17, 2009. To advance the prosecution of the application, dependent claims 76-79, 80-82, 84, and 85, in species Groups I, II, IV and V, have been withdrawn from consideration and dependent claim 83 in species Group III elected. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks are respectfully requested.

In response to the restriction requirement under 35 U.S.C. § 121, Applicants provisionally elect for continued prosecution of the Group III claim 83. Thus, Applicants request examination of claim 83. Upon allowance of a generic claim, Applicants request these withdrawn species in Groups I, II, IV and V be considered which have been amended to depend from the single elected species in Group III claim 83.¹ Applicants expressly reserve the right to file a divisional application with respect to these original, unamended, species claims 76-79, 80-82, 84 and 85 at a later date.

In view of the foregoing, it is respectfully submitted that the application and the claims are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

The Examiner is respectfully requested to direct future correspondence regarding this application to the undersigned attorney at the address below.

¹ Refer to online URL (<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/noncompliantOG-060105.pdf>) for more information on the status identifier "Withdrawn-currently amended".

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned attorney at the telephone number below should the Examiner believe a telephone interview would advance the prosecution of the application.

Respectfully submitted,

Date: December 1, 2009

By: /Jon Gibbons/
Jon A. Gibbons
Registration No. 37,333
Attorney for Applicant

FLEIT GIBBONS GUTMAN
BONGINI & BIANCO P.L.
One Boca Commerce Center
551 N.W. 77th Street, Suite 111
Boca Raton, Florida 33487
Telephone: (561) 989-9811
Facsimile: (561) 989-9812